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August 10, 2023

Via ECF

Hon. Anne Y. Shields
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: *Hayes v. County of Nassau, et al.*
Docket No. 2:21-CV-3922 (GRB)(AYS)

Dear Judge Shields,

The Office of the Nassau County Attorney represents the County Defendants in the above matter. The undersigned writes this joint status letter after conferring and consenting with Brett Klein, Esq., counsel for the Plaintiff, regarding the status of this case, and to request 90 days to complete fact discovery in this case.

After completing paper discovery in this case, the parties, by joint letter dated March 31, 2023, sought the Court's assistance in focusing on pre-deposition settlement discussions. The Court, in its Orders dated April 2nd and 3rd, 2023, referred this case for Court-Ordered mediation.

The parties agreed to use Robyn Weinstein as a mediator. Each of the parties submitted written pre-mediation briefs to Ms. Weinstein and held separate pre-mediation teleconferences with her on May 15, 2023 in preparation for the mediation. A virtual mediation was held on June 14, 2023. While the session was unsuccessful in terms of reaching a final resolution, the parties had constructive good-faith negotiations and agreed that sufficient progress had been made to keep settlement discussions open. Since then, Ms. Weinstein has remained in regular contact with both parties and held additional mediation sessions in a continuing effort to reach a resolution. These discussions have continued through this week. However, while additional progress was made, the parties now agree that discussions have ultimately proved unsuccessful.

Accordingly, the parties now respectfully request an additional 90 days in which to conduct depositions. Prior to referring the case for mediation, that Court, in its March 6, 2023 Order, had set a fact discovery deadline of August 2, 2023, which has now passed. Therefore, the parties respectfully request an updated fact discovery deadline of November 8, 2023. The parties believe 90 days are necessary due to a confluence of deadlines for all counsel. Among

other conflicts, Plaintiff's counsel has a trial scheduled for October 2023 before Judge Azrack, and 2 Second Circuit briefs due in October, while defense counsel has multiple summary judgment motions scheduled to be filed over the next month.

The parties thank the Court for its time and consideration.

Very truly yours,

/s/ *Brian P. McLaughlin*

Brian P. McLaughlin
Deputy County Attorney

CC: Brett Klein, Esq., *counsel for the Plaintiff* (Via ECF)